

COMMISSION TO STUDY THE POTENTIAL CREATION OF A
NATIONAL WOMEN'S HISTORY MUSEUM ACT

MAY 6, 2014.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

REPORT

[To accompany H.R. 863]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 863) to establish the Commission to Study the Potential Creation of a National Women's History Museum, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

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Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission to Study the Potential Creation of a National Women's History Museum Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term “Commission” means the Commission to Study the Potential Creation of a National Women’s History Museum established by section 3(a).

(2) MUSEUM.—The term "Museum" means the National Women's History Museum.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) IN GENERAL.—There is established the Commission to Study the Potential Creation of a National Women's History Museum.

(b) MEMBERSHIP.—The Commission shall be composed of 8 members, of whom—

(1) 2 members shall be appointed by the majority leader of the Senate;
(2) 2 members shall be appointed by the Speaker of the House of Representa-

(3) 2 members shall be appointed by the minority leader of the Senate; and

(4) 2 members shall be appointed by the minority leader of the House of Representatives.

(c) **QUALIFICATIONS.**—Members of the Commission shall be appointed to the Commission from among individuals, or representatives of institutions or entities, who possess—

- (1)(A) a demonstrated commitment to the research, study, or promotion of women's history, art, political or economic status, or culture; and
- (B)(i) expertise in museum administration;
- (ii) expertise in fundraising for nonprofit or cultural institutions;
- (iii) experience in the study and teaching of women's history;
- (iv) experience in studying the issue of the representation of women in art, life, history, and culture at the Smithsonian Institution; or
- (v) extensive experience in public or elected service;
- (2) experience in the administration of, or the planning for, the establishment of, museums; or
- (3) experience in the planning, design, or construction of museum facilities.

(d) **PROHIBITION.**—No employee of the Federal Government may serve as a member of the Commission.

(e) **DEADLINE FOR INITIAL APPOINTMENT.**—The initial members of the Commission shall be appointed not later than the date that is 90 days after the date of enactment of this Act.

(f) **VACANCIES.**—A vacancy in the Commission—

- (1) shall not affect the powers of the Commission; and
- (2) shall be filled in the same manner as the original appointment was made.

(g) **CHAIRPERSON.**—The Commission shall, by majority vote of all of the members, select 1 member of the Commission to serve as the Chairperson of the Commission.

SEC. 4. DUTIES OF THE COMMISSION.

(a) **REPORTS.**—

(1) **PLAN OF ACTION.**—The Commission shall submit to the President and Congress a report containing the recommendations of the Commission with respect to a plan of action for the establishment and maintenance of a National Women's History Museum in Washington, DC.

(2) **REPORT ON ISSUES.**—The Commission shall submit to the President and Congress a report that addresses the following issues:

- (A) The availability and cost of collections to be acquired and housed in the Museum.
- (B) The impact of the Museum on regional women history-related museums.
- (C) Potential locations for the Museum in Washington, DC, and its environs.
- (D) Whether the Museum should be part of the Smithsonian Institution.
- (E) The governance and organizational structure from which the Museum should operate.
- (F) Best practices for engaging women in the development and design of the Museum.
- (G) The cost of constructing, operating, and maintaining the Museum.

(3) **DEADLINE.**—The reports required under paragraphs (1) and (2) shall be submitted not later than the date that is 18 months after the date of the first meeting of the Commission.

(b) **FUNDRAISING PLAN.**—

(1) **IN GENERAL.**—The Commission shall develop a fundraising plan to support the establishment, operation, and maintenance of the Museum through contributions from the public.

(2) **CONSIDERATIONS.**—In developing the fundraising plan under paragraph (1), the Commission shall consider—

- (A) the role of the National Women's History Museum (a nonprofit, educational organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that was incorporated in 1996 in Washington, DC, and dedicated for the purpose of establishing a women's history museum) in raising funds for the construction of the Museum; and

(B) issues relating to funding the operations and maintenance of the Museum in perpetuity.

(c) **LEGISLATION TO CARRY OUT PLAN OF ACTION.**—Based on the recommendations contained in the report submitted under paragraphs (1) and (2) of subsection (a), the Commission shall submit for consideration to the Committees on Transportation and Infrastructure, House Administration, Natural Resources, and Appropriations of the House of Representatives and the Committees on Rules and Administration, Energy and Natural Resources, and Appropriations of the Senate recommendations for a legislative plan of action to establish and construct the Museum.

(d) NATIONAL CONFERENCE.—Not later than 18 months after the date on which the initial members of the Commission are appointed under section 3, the Commission may, in carrying out the duties of the Commission under this section, convene a national conference relating to the Museum, to be comprised of individuals committed to the advancement of the life, art, history, and culture of women.

SEC. 5. DIRECTOR AND STAFF OF COMMISSION.

(a) DIRECTOR AND STAFF.—

(1) IN GENERAL.—The Commission may employ and compensate an executive director and any other additional personnel that are necessary to enable the Commission to perform the duties of the Commission.

(2) RATES OF PAY.—Rates of pay for persons employed under paragraph (1) shall be consistent with the rates of pay allowed for employees of a temporary organization under section 3161 of title 5, United States Code.

(b) NOT FEDERAL EMPLOYMENT.—Any individual employed under this Act shall not be considered a Federal employee for the purpose of any law governing Federal employment.

(c) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—Subject to paragraph (2), on request of the Commission, the head of a Federal agency may provide technical assistance to the Commission.

(2) PROHIBITION.—No Federal employees may be detailed to the Commission.

SEC. 6. ADMINISTRATIVE PROVISIONS.

(a) COMPENSATION.—

(1) IN GENERAL.—A member of the Commission—

(A) shall not be considered to be a Federal employee for any purpose by reason of service on the Commission; and

(B) shall serve without pay.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed a per diem allowance for travel expenses, at rates consistent with those authorized under subchapter I of chapter 57 of title 5, United States Code.

(b) GIFTS, BEQUESTS, DEVISES.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money, services, or real or personal property for the purpose of aiding or facilitating the work of the Commission.

(c) FEDERAL ADVISORY COMMITTEE ACT.—The Commission shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 7. TERMINATION.

The Commission shall terminate on the date that is 30 days after the date on which the final versions of the reports required under section 4(a) are submitted.

SEC. 8. FUNDING.

(a) IN GENERAL.—The Commission shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the Commission.

(b) PROHIBITION.—No Federal funds may be obligated to carry out this Act.

PURPOSE OF THE BILL

The purpose of H.R. 863 is to establish the Commission to Study the Potential Creation of a National Women's History Museum.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 863 establishes the Commission to Study the Potential Creation of a National Women's History Museum. The commission would consist of eight members, with two each appointed by the Speaker of the U.S. House of Representatives, Minority Leader of the House, and the Majority and Minority Leaders of the U.S. Senate.

The Commission would be charged with creating a report evaluating the availability and cost of collections to be acquired and housed in the museum, the impact of the museum on regional women history-related museums, the potential locations for the museum in Washington, D.C., whether the museum should be part of the Smithsonian Institution, the governance and organizational structure from which the museum should operate, best practices for engaging women in the development and design of the museum,

and the cost of constructing, operating, and maintaining the museum.

The Commission will develop a fundraising plan for the establishment of the museum. The Commission will not be permitted to use federal funds.

During Full Committee markup of the bill, the Committee adopted an amendment offered by Congressman Rob Bishop (R-UT) that would remove the instruction to study a specific location on the National Mall. The restrictions in current law on further development of the limited space on the National Mall are supported by the Committee. The amendment also requires the Commission to research and report the possibilities for operating the museum through private fundraising.

COMMITTEE ACTION

H.R. 863 was introduced on February 27, 2013, by Congresswoman Carolyn B. Maloney (D-NY). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. The bill was also referred to the Committee on House Administration. On March 25, 2014, the Subcommittee on Public Lands and Environmental Regulation held a hearing on the bill. On April 9, 2014, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. Congressman Rob Bishop (R-UT) offered an amendment designated #1; the amendment was adopted by unanimous consent. The bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

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CBO estimates that enacting H.R. 863 would have no significant effect on the federal budget. The legislation would affect direct

spending because it would authorize the commission to accept and spend monetary gifts. Therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effect on direct spending would be insignificant. Enacting H.R. 863 would not affect revenues.

H.R. 863 would establish a commission to prepare a report containing recommendations for establishing and maintaining a National Women's History Museum in Washington, D.C. The 8-member commission would have 18 months to produce the report and submit it to the Congress. All commission members would serve without pay but would be reimbursed for travel expenses. In addition, the commission would be authorized to hire staff and, while no federal employees could be detailed to the commission, federal agencies could provide technical support. Finally, the bill would prohibit federal funds from being used for commission expenses; it would have to rely on gifts and contributions to cover those costs.

H.R. 863 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

On April 9, 2014, CBO transmitted a cost estimate for H.R. 863, the Commission to Study the Potential Creation of a National Women's History Museum Act of 2013, as ordered reported by the Committee on House Administration on April 2, 2013. Both versions of the bill contain similar provisions, and their estimated costs are the same.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that enacting H.R. 863 would have no significant effect on the federal budget. The legislation would affect direct spending because it authorizes the Commission to accept and spend donations, but CBO estimates the net effect on direct spending would be insignificant.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to establish the Commission to Study the Potential Creation of a National Women's History Museum.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in the bill are not currently being nor could they be performed by one or more agencies, an advisory committee already in existence or by enlarging the mandate of an existing advisory committee.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

